

JOURNAL OF THE HOUSE.

Thursday, October 19, 2006.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

God, Our Creator, we depend upon Your gift of wisdom and Your directions as we cope with and face our daily responsibilities, priorities and goals. Each day, with Your assistance, we try to do our best in serving You, our families, constituents and communities. In these uneasy times, we pray for the patience and the intellectual maturity to be objective and fair in listening to people and their personal concerns. Inspire us to respond to the legislative issues of the moment as we try to meet the variety of needs of people and our communities and society in our changing world.

Prayer.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Pledge of
allegiance.

Message from the Governor — Bill Returned with Recommendation of Amendment.

A message from His Excellency the Governor returning with recommendation of amendment the engrossed Bill designating the annual observance of Massachusetts History Day and establishing a special commission on civic engagement and learning [see House, No. 3465, amended] (for message, see House, No. 5321) was filed in the office of the Clerk on Wednesday, October 18.

Massachusetts
History Day.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was thereupon “before the General Court and subject to amendment and re-enactment”.

Pending the question on adoption of the amendment recommended by His Excellency, the bill was referred, on motion of Mr. Petrucci of Boston, to the committee on Bills in the Third Reading.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Mr. Bosley of North Adams) congratulating Dr. Krishna Vedula on the occasion of his retirement;

Dr. Krishna
Vedula.

Resolutions (filed by Mrs. Haddad of Somerset and other members of the House) congratulating Kathleen A. Kelley on the occasion of her retirement;

Kathleen A.
Kelley.

Maxine
Shaw.

Nicholas
Kacher.

Resolutions (filed by Mr. Smizik of Brookline) honoring Ms. Maxine Shaw upon her retirement; and

Resolutions (filed by Mr. Stanley of Waltham) congratulating Nicholas Kacher on receiving the Eagle Award of the Boy Scouts of America;

Mrs. Parente of Milford, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Miss Reinstein of Revere, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petitions.

Michael
LoPriore,
personal
leave.

Mr. O'Flaherty of Chelsea presented a petition (subject to Joint Rule 12) of Eugene L. O'Flaherty for legislation to establish a personal leave bank for Michael LoPriore, an employee of the Trial Court Department; and the same was referred, under Rule 24, to the committee on Rules.

Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Mrs. Walrath of Stow, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on the Judiciary. Sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

James
Joseph
Rush
Rotunda.

By Mr. Coughlin of Dedham, petition (subject to Joint Rule 12) of Robert Coughlin and others for legislation to designate the rotunda in the West Roxbury Division of the Trial Court Department as the James Joseph Rush Rotunda.

Public
schools,
eye
protection.

By Mr. LeDuc of Marlborough, petition (subject to Joint Rule 12) of Stephen P. LeDuc and another relative to requiring the use of eye protection devices by teachers and students in certain classes in the public schools.

Severally, under Rule 24, to the committee on Rules.

Papers from the Senate.

Health
care
access.

The House Bill relative to health care access (House, No. 5240) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2717.

Under suspension of Rule 35, on motion of Mrs. Walrath of Stow, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith.

The same member then moved that the House concur with the Senate in its amendment with a further amendment by striking out all after the enacting clause (inserted by amendment by the Senate) and inserting in place thereof the text contained in House document numbered 5320.

The further amendment was adopted.

The House then concurred with the Senate in its amendment, as amended. Sent to the Senate for concurrence in the further amendment.

The House Bill designating in the towns of Arlington, Lexington, Lincoln and Concord a scenic byway to be known as The Battle Road: The Road to Revolutions (House, No. 5222) came from the Senate passed to be engrossed, in concurrence, with an amendment adding at the end thereof the following paragraph:

Battle Road ,
scenic byway.

"Notwithstanding any general or special law to the contrary, the department of highways shall be responsible for routine maintenance on the state-owned portions of the Battle Road: the Road to Revolutions scenic byway. For the purposes of this paragraph, routine maintenance shall include, but not be limited to, resurfacing, guard rail repair, drainage improvements, traffic signal and sign replacement and repair, bridge repair and other roadway maintenance functions."

Under suspension of Rule 35, on motion of Ms. Peisch of Wellesley, the amendment was considered forthwith.

The committee on Bills in the Third Reading reported recommending that the House non-concur with the Senate in its amendment; and the report was accepted.

The House then non-concurred with the Senate in its amendment; and the bill was returned to said branch endorsed accordingly.

The House Bill relative to the Massachusetts Insurers Insolvency Fund (House, No. 5216) came from the Senate passed to be engrossed, in concurrence, with amendments in section 2, in lines 11, 13, 14, 17, 22, 24, 28, 34 and 43, striking out the word "association" and inserting in place thereof, in each instance, the word "Fund"; and in line 28, inserting after the word "other" the words "state guaranty association or".

Insurers
Insolvency
Fund.

Under suspension of Rule 35, on motion of Ms. Khan of Newton, the amendments (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted, in concurrence.

A Bill establishing a sick leave bank for Karen Ann Devine, an employee of the Department of Corrections (Senate, No. 2728) (on a petition), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Karen Ann
Devine,
sick leave
bank.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. Petrucci of Boston, the bill was read a second time forthwith; and it was ordered to a third reading.

Petitions were referred, in concurrence, under suspension of Joint Rule 12, as follows:

Petition (accompanied by bill, Senate, No. 2731) of Mark C. Montigny, Stephen R. Canessa, John F. Quinn and Antonio F. D. Cabral for legislation to require equal benefits for all new mothers. To the committee on Children and Families.

New
mothers,
benefits.

New Bedford
Depot,
clean-up.

Petition (accompanied by bill, Senate, No. 2722) of Mark C. Montigny, Antonio F. D. Cabral, Robert M. Koczera, Stephen R. Canessa and other members of the General Court (with approval of mayor and city council) for legislation relative to the railroad depot contamination remediation and redevelopment project of the city of New Bedford. To the committee on Environment, Natural Resources and Agriculture.

Diane
Zaniboni,
cancer
fund.

Petition (accompanied by bill, Senate, No. 2732) of John A. Hart, Jr., for legislation to clarify coordination of the Diane Zaniboni Breast Cancer Research Fund. To the committee on Health Care Financing.

Reports of Committees.

Amherst,
conservation
land.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the Bill relative to certain conservation land in the town of Amherst (Senate, No. 2711),— and recommending that the same be recommitted to the committee on Municipalities and Regional Government. Under Rule 42, the report was considered forthwith; and it was accepted.

Public
employees,
creditable
service.

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Public Service to make an investigation and study of certain Senate and House documents concerning active and retired public employees (House, No. 4723) reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 1415) of Stephen M. Brewer, Brian Knuuttila, Bruce E. Tarr, Todd M. Smola, other members of the General Court and another for legislation to authorize certain public employees creditable retirement service time for service in the Massachusetts National Guard and Active Reserve,— and recommending that the same be recommitted to the committee on Public Service. Under Rule 42, the report was considered forthwith; and it was accepted.

Corporate
tax laws.

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Revenue to make an investigation and study of certain House documents concerning revenue for the Commonwealth and other related matters (House, No. 4814) reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 2470) of Daniel E. Bosley relative to operations manufacturing value added agricultural products under the corporate tax laws,— and recommending that the same be recommitted to the committee on Revenue. Under Rule 42, the report was considered forthwith; and it was accepted.

Hatfield,
recall
elections.

By Mr. Petrucci of Boston, for the committee on Election Laws, on a petition, a Bill relative to recall elections in the town of Hatfield (House, No. 5286) [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Ms. Khan of Newton, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the Senate Bill relative to rates of pilotage (Senate, No. 2391, amended) be scheduled for consideration by the House.

Pilotage
rates.

Under suspension of Rule 7A, on motion of Ms. Khan of Newton, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill relative to the town manager of the town of Weston (House, No. 4861) be scheduled for consideration by the House.

Weston,
town
manager.

Under suspension of Rule 7A, on motion of Ms. Peisch of Wellesley, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Petrucci of Boston, for the committee on Election Laws, on a message from His Excellency the Governor, a Bill validating certain results of the annual town election in the town of Boxborough (printed in House, No. 5308).

Boxborough,
validate
election.

By Mrs. Walrath of Stow, for the committee on Health Care Financing, on a petition, a Bill authorizing the local appropriating authority of the town of Wellesley to seek voter approval to assess taxes for the purpose of funding said town's group insurance liability fund (House, No. 4872) [Local Approval Received].

Wellesley,
group
insurance.

By Ms. Kaprielian of Watertown, for the committee on Municipalities and Regional Government, on a petition, a Bill relative to the acceptance of Chapter 40N of the General Laws in the town of Marblehead (House, No. 5147) [Local Approval Received].

Marblehead,
water
and sewer
systems.

By the same member, for the same committee, on a petition, a Bill establishing the Rehoboth agricultural and natural resources preservation council (House, No. 5288) [Local Approval Received].

Rehoboth,
agriculture
council.

By Mr. Wagner of Chicopee, for the committee on Transportation, on a petition, a Bill designating an overpass in the city of New Bedford as the George Evangelos Patisteas Memorial Overpass (House, No. 5295).

New Bedford,
Patisteas
Overpass.

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Emergency Measures.

The engrossed Bill providing veteran status to Michael L. Buckley (see Senate, No. 2468), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

Michael L.
Buckley,
veteran
status.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments

to the Constitution; and the preamble was adopted, by a vote of 8 to 0. Sent to the Senate for concurrence.

Paul
LaFrance,
sick leave
bank.

The engrossed Bill establishing a sick leave bank for Paul LaFrance, an employee of the Department of Correction (see House, No. 5307), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 6 to 0. Sent to the Senate for concurrence.

Bill
enacted.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Engrossed Bills.

Engrossed bills

Bills
enacted.

Postponing the requirement for installation of carbon monoxide alarms in certain residential buildings (see House, No. 5139); and

Establishing a sick leave bank for Leo D. Shea, an employee of the Trial Court (see House, No. 5252);

(Which severally originated in the House);

In respect to each of which the Senate had concurred in adoption of the emergency preamble, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Engrossed bills

ri

Further regulating payment agreements for local taxes (see House, No. 2463);

Providing for recall elections in the town of Littleton (see House, No. 4072, amended); and

Authorizing certain investments for the town of Warwick free public library (see House, No. 4947);

(Which severally originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Motion to Suspend Rule 24(2).

General
Court,
formal
sessions.

Before proceeding to consideration of the Orders of the Day, Mr. Jones of North Reading moved that Rule 24(2) be suspended so that he might offer, from the floor, an Order relative to the suspension of Joint Rule 12A to permit the General Court to meet in formal sessions for the purpose of considering and taking action on certain matters (House, No. 5322).

The motion to suspend Rule 24(2) was negatived; and the order was referred, under said rule, to the committee on Rules.

Orders of the Day.

House bills

Authorizing the town of Topsfield to establish a department of public works (House, No. 4223);

Relative to the appointment of police officers in the town of Boxford (House, No. 5048);

Designating a certain bridge in the city of Lawrence as the Charles F. Nyhan, Sr. bridge. (House, No. 5296) (its title having been changed by the committee on Bills in the Third Reading);

Severally reported by said committee to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Third
reading
bills.

Recess.

At a quarter before twelve o'clock noon, on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House recessed until the hour of one o'clock P.M.; and at that time the House was called to order with Mr. Donato in the Chair.

Recess.

Emergency Measures.

The engrossed Bill modifying the schedule for deposits of revenue for the service of civil process by constables (see House, No. 3576, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

Civil
process,
report
revenue.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 4 to 0. Sent to the Senate for concurrence.

The engrossed Bill relative to health care access (see House, No. 5240, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

Health
care
access.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 4 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill
enacted.

Engrossed Bills.

Engrossed bills

Authorizing the appointment of alternative members to the conservation commission of the town of West Bridgewater (see House, No. 4875); and

Bills
enacted.

Authorizing the city of Salem to grant an additional license for the sale of wines and malt beverages to be drunk on the premises (see House, No. 5272);

(Which severally originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Order.

On motion of Mr. DiMasi of Boston,—

Ordered, That when the House adjourns today, it adjourn to meet on Monday next at eleven o'clock A.M.

Next
sitting.

At twenty-four minutes before two o'clock P.M., on motion of Ms. Peisch of Wellesley (Mr. Donato of Medford being in the Chair), the House adjourned, to meet on Monday next at eleven o'clock A.M., in an Informal Session.